

State Board of Embalmers and Funeral Directors

**July 10-11, 2012
Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109**

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman, at 10:50 a.m. on July 10, 2012.

Roll Call

Board Members Present

D. Todd Mahn, Chairman

James Reinhard, Vice Chairman, was present via telephone for parts of the meeting

John McCulloch, Secretary

Martin Vernon joined the meeting at 11:18 a.m. on July 10, 2012

Archie Camden, Board Member

Gary Fraker, Board Member, was present via telephone for parts of the meeting

Staff Present

Sandy Sebastian, Executive Director

Lori Hayes, Inspector

Tabatha Lenzini, Administrative Assistant

Sharon Euler, Division Legal Counsel

Approval of Agenda

A motion was made by John McCulloch and seconded by James Reinhard to approve the open agenda. Motion carried with Archie Camden voting in favor with no votes in opposition. Gary Fraker and Martin Vernon were not present.

Move to Close

A motion was made by Archie Camden and seconded by John McCulloch Go in to closed for #1, 2, 9 of the motions to close. Motion carried with James Reinhard voting in favor with no votes in opposition. Gary Fraker and Martin Vernon not present.

Approval of Open Minutes

A motion was made by Archie Camden and seconded by John McCulloch to approve the following minutes:

April 23, 2012 examination committee minutes

April 24-25, 2012 board meeting minutes

May 2, 2012 conference call minutes

May 23, 2012 examination committee minutes

June 7, 2012 conference call minutes

June 20, 2012 examination committee minutes

June 28, 2012 examination committee minutes

Motion carried with James Reinhard voting in favor with no votes in opposition. Gary Fraker and Martin Vernon were not present.

Executive Director Report

Sandy Sebastian announced that Jill is now working part time and we have hired another part time employee Sally Klindt and that they would essentially be job sharing and working 48 hours a week between the two of them.

Information regarding the status of the embalmer/funeral director renewals was discussed.

Sandy mentioned that the board had in their materials a budget report, a sampling of cost of financial examinations and license statistics new, closed/ceased, and disciplined licenses.

Sandy also discussed meeting schedules with the board and suggested that keeping meetings at March, June, September and December and in lieu of conference calls, unless absolutely necessary, having a one day meeting in between regular meetings where individuals could for drive in for the day. The board indicated they were in favor of trying such.

Legal Counsel Report

Sharon Euler reported that the NPS trial is set for August 2013 for those criminally charged.

Legislative Proposals

Sandy asked if the board desired to put forth a legislative package this year and shared that there was a movement last session from a group seeking to deregulate several professions, including embalmers, and wanted to make the board aware that if they were to seek legislation and open the statute it could provide a conduit for others to pursue changes to the existing statutes. Sandy also shared that at the end of legislative session last year there was talked about how that same group would be back stronger.

A member of the public stated that Chapter 333 really needed to be rewritten but agreed not opening the statutes was a good idea.

A motion was made by Martin Vernon and seconded by Archie Camden to not purpose any legislation for the next session. Motion carried with James Reinhard and John McCulloch voting in favor with no votes in opposition. Gary Fraker was not present.

Open Discussion/Dialogue

There was discussion relating to the statutes governing insurance funded preneed contracts that included the following topics from board members and public in attendance:

- the possibility of setting a fee lesser than the \$36 per contract fee for contracts that are below a set monetary threshold
- only requiring contracts when there are beneficiary changes
- insurance assignments are not the sale of a preneed contract, only consideration until it provides services

Following discussion a motion was made by Martin Vernon directing staff to draft a proposed rule requiring a preneed contract for any insurance policy used to fund a preneed and is subject to the \$36 per contract fee. Motion was withdrawn.

A motion was made by James Reinhard to draft a proposed rule to clarify insurance funded preneed contracts. Motion was withdrawn.

A motion was made by Martin Vernon and seconded by Archie Camden directing staff to draft a proposed rule that clarifies that at any time a life insurance policy is used to fund a preneed contract it requires a written preneed contract and requires the \$36 fee be submitted to the board. Motion carried with James Reinhard voting in favor. John McCulloch voted no. Gary Fraker was not present.

Leland Jones, Sr. – Case 13-001-PV - Probation Violation Hearing

A motion was made by Martin Vernon and seconded by John McCulloch to dismiss the hearing. Motion carried by Archie Camden and James Reinhard voting in favor and no votes in opposition. Gary Fraker not present.

George Treaster dba White Funeral Home – Case 12-005-PV - Probation Violation Hearing

A motion was made by Archie Camden and seconded by John McCulloch to ratify the chair recommendation to continue to the hearing. Motion carried with no votes in opposition. Gary Fraker was not present.

Shelby Funeral Home, Inc. – Case 12-004-PV- Probation Violation Hearing

A motion was made by Archie Camden and seconded by John McCulloch to ratify chair recommendation to continue the hearing against Shelby. Motion carried Martin Vernon and James Reinhard voting in favor with no votes in opposition. Gary Fraker not present.

Move to Close

A motion was made by Archie Camden and seconded by Martin Vernon to move to closed session for #1, 2, 7, 8, and 9 of the motions to close. Motion carried with James Reinhard and John McCulloch voting in favor with no votes in opposition. Gary Fraker was not present.

Adjournment

A motion was made by Martin Vernon and seconded by John McCulloch to adjourn the meeting at 2:15 p.m. Motion carried with Archie Camden voting in favor and no votes in opposition. Gary Fraker and James Reinhard were not present for the meeting.

Executive Director: Sandy Sebastian

Approved by the Board on: 9.25.2012

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline
2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney
3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency
4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees
5. EXAMINATION MATERIALS
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials
6. EMPLOYEE PERFORMANCE RATINGS
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees
7. APPLICATIONS
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure
8. CLOSED MINUTES
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings
9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS
I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

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